

107TH CONGRESS  
1ST SESSION

# S. 146

To amend part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to permit the use of certain amounts for assistance to jail-based substance treatment programs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2001

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to permit the use of certain amounts for assistance to jail-based substance treatment programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. JAIL-BASED SUBSTANCE ABUSE TREATMENT**  
4 **PROGRAMS.**

5 (a) USE OF RESIDENTIAL SUBSTANCE ABUSE  
6 TREATMENT GRANTS TO PROVIDE AFTERCARE SERV-  
7 ICES.—Section 1901 of part S of the Omnibus Crime Con-

1 trol and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1)  
 2 is amended by adding at the end the following:

3       “(f) USE OF GRANT AMOUNTS FOR NONRESIDEN-  
 4 TIAL AFTERCARE SERVICES.—A State may use amounts  
 5 received under this part to provide nonresidential sub-  
 6 stance abuse treatment aftercare services for inmates or  
 7 former inmates that meet the requirements of subsection  
 8 (c), if the chief executive officer of the State certifies to  
 9 the Attorney General that the State is providing, and will  
 10 continue to provide, an adequate level of residential treat-  
 11 ment services.”.

12       (b) JAIL-BASED SUBSTANCE ABUSE TREATMENT.—  
 13 Part S of title I of the Omnibus Crime Control and Safe  
 14 Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended  
 15 by adding at the end the following:

16 **“SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.**

17       “(a) DEFINITIONS.—In this section:

18               “(1) JAIL-BASED SUBSTANCE ABUSE TREAT-  
 19 MENT PROGRAM.—The term ‘jail-based substance  
 20 abuse treatment program’ means a course of indi-  
 21 vidual and group activities, lasting for a period of  
 22 not less than 3 months, in an area of a correctional  
 23 facility set apart from the general population of the  
 24 correctional facility, if those activities are—

1 “(A) directed at the substance abuse prob-  
 2 lems of prisoners; and

3 “(B) intended to develop the cognitive, be-  
 4 havioral, social, vocational, and other skills of  
 5 prisoners in order to address the substance  
 6 abuse and related problems of prisoners.

7 “(2) LOCAL CORRECTIONAL FACILITY.—The  
 8 term ‘local correctional facility’ means any correc-  
 9 tional facility operated by a unit of local govern-  
 10 ment.

11 “(b) AUTHORIZATION.—

12 “(1) IN GENERAL.—Not less than 10 percent of  
 13 the total amount made available to a State under  
 14 section 1904(a) for any fiscal year may be used by  
 15 the State to make grants to local correctional facili-  
 16 ties in the State for the purpose of assisting jail-  
 17 based substance abuse treatment programs estab-  
 18 lished by those local correctional facilities.

19 “(2) FEDERAL SHARE.—The Federal share of a  
 20 grant made by a State under this section to a local  
 21 correctional facility may not exceed 75 percent of  
 22 the total cost of the jail-based substance abuse treat-  
 23 ment program described in the application submitted  
 24 under subsection (c) for the fiscal year for which the  
 25 program receives assistance under this section.

1 “(c) APPLICATIONS.—

2 “(1) IN GENERAL.—To be eligible to receive a  
3 grant from a State under this section for a jail-  
4 based substance abuse treatment program, the chief  
5 executive of a local correctional facility shall submit  
6 to the State, in such form and containing such infor-  
7 mation as the State may reasonably require, an ap-  
8 plication that meets the requirements of paragraph  
9 (2).

10 “(2) APPLICATION REQUIREMENTS.—Each ap-  
11 plication submitted under paragraph (1) shall  
12 include—

13 “(A) with respect to the jail-based sub-  
14 stance abuse treatment program for which as-  
15 sistance is sought, a description of the program  
16 and a written certification that—

17 “(i) the program has been in effect  
18 for not less than 2 consecutive years before  
19 the date on which the application is sub-  
20 mitted; and

21 “(ii) the local correctional facility  
22 will—

23 “(I) coordinate the design and  
24 implementation of the program be-  
25 tween local correctional facility rep-

1           representatives and the appropriate State  
2           and local alcohol and substance abuse  
3           agencies;

4                   “(II) implement (or continue to  
5           require) urinalysis or other proven re-  
6           liable forms of substance abuse test-  
7           ing of individuals participating in the  
8           program, including the testing of indi-  
9           viduals released from the jail-based  
10          substance abuse treatment program  
11          who remain in the custody of the local  
12          correctional facility; and

13                   “(III) carry out the program in  
14          accordance with guidelines, which  
15          shall be established by the State, in  
16          order to guarantee each participant in  
17          the program access to consistent, con-  
18          tinual care if transferred to a dif-  
19          ferent local correctional facility within  
20          the State;

21                   “(B) written assurances that Federal  
22          funds received by the local correctional facility  
23          from the State under this section will be used  
24          to supplement, and not to supplant, non-Fed-  
25          eral funds that would otherwise be available for

jail-based substance abuse treatment programs assisted with amounts made available to the local correctional facility under this section; and

“(C) a description of the manner in which amounts received by the local correctional facility from the State under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services provided to the local correctional facility by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

“(d) REVIEW OF APPLICATIONS.—

“(1) IN GENERAL.—Upon receipt of an application under subsection (c), the State shall—

“(A) review the application to ensure that the application, and the jail-based residential substance abuse treatment program for which a grant under this section is sought, meet the requirements of this section; and

“(B) if the requirements of this section are met, make an affirmative finding in writing that the jail-based substance abuse treatment program for which assistance is sought meets the requirements of this section.

1           “(2) APPROVAL.—Based on the review con-  
 2           ducted under paragraph (1), not later than 90 days  
 3           after the date on which an application is submitted  
 4           under subsection (c), the State shall—

5                   “(A) approve the application, disapprove  
 6                   the application, or request a continued evalua-  
 7                   tion of the application for an additional period  
 8                   of 90 days; and

9                   “(B) notify the applicant of the action  
 10                  taken under subparagraph (A) and, with re-  
 11                  spect to any denial of an application under sub-  
 12                  paragraph (A), afford the applicant an oppor-  
 13                  tunity for reconsideration.

14           “(3) ELIGIBILITY FOR PREFERENCE WITH  
 15           AFTERCARE COMPONENT.—

16                   “(A) IN GENERAL.—In making grants  
 17                   under this section, a State shall give preference  
 18                   to applications from local correctional facilities  
 19                   that ensure that each participant in the jail-  
 20                   based substance abuse treatment program for  
 21                   which a grant under this section is sought, is  
 22                   required to participate in an aftercare services  
 23                   program that meets the requirements of sub-  
 24                   paragraph (B), for a period of not less than 1  
 25                   year following the earlier of—

1 “(i) the date on which the participant  
2 completes the jail-based substance abuse  
3 treatment program; or

4 “(ii) the date on which the participant  
5 is released from the correctional facility at  
6 the end of the sentence of the participant  
7 or is released on parole.

8 “(B) AFTERCARE SERVICES PROGRAM RE-  
9 QUIREMENTS.—For purposes of subparagraph  
10 (A), an aftercare services program meets the re-  
11 quirements of this paragraph if the program—

12 “(i) in selecting individuals for par-  
13 ticipation in the program, gives priority to  
14 individuals who have completed a jail-based  
15 substance abuse treatment program;

16 “(ii) requires each participant in the  
17 program to submit to periodic substance  
18 abuse testing; and

19 “(iii) involves the coordination be-  
20 tween the jail-based substance abuse treat-  
21 ment program and other human service  
22 and rehabilitation programs that may as-  
23 sist in the rehabilitation of program par-  
24 ticipants, such as—



1                   “(I) educational and job training  
 2                   programs;  
 3                   “(II) parole supervision pro-  
 4                   grams;  
 5                   “(III) half-way house programs;  
 6                   and  
 7                   “(IV) participation in self-help  
 8                   and peer group programs; and  
 9                   “(iv) assists in placing jail-based sub-  
 10                   stance abuse treatment program partici-  
 11                   pants with appropriate community sub-  
 12                   stance abuse treatment facilities upon re-  
 13                   lease from the correctional facility at the  
 14                   end of a sentence or on parole.

15           “(e) COORDINATION AND CONSULTATION.—

16                   “(1) COORDINATION.—Each State that makes  
 17                   1 or more grants under this section in any fiscal  
 18                   year shall, to the maximum extent practicable, im-  
 19                   plement a statewide communications network with  
 20                   the capacity to track the participants in jail-based  
 21                   substance abuse treatment programs established by  
 22                   local correctional facilities in the State as those par-  
 23                   ticipants move between local correctional facilities  
 24                   within the State.

1           “(2) CONSULTATION.—Each State described in  
2       paragraph (1) shall consult with the Attorney Gen-  
3       eral and the Secretary of Health and Human Serv-  
4       ices to ensure that each jail-based substance abuse  
5       treatment program assisted with a grant made by  
6       the State under this section incorporates applicable  
7       components of comprehensive approaches, including  
8       relapse prevention and aftercare services.

9       “(f) USE OF GRANT AMOUNTS.—

10           “(1) IN GENERAL.—Each local correctional fa-  
11       cility that receives a grant under this section shall  
12       use the grant amount solely for the purpose of car-  
13       rying out the jail-based substance abuse treatment  
14       program described in the application submitted  
15       under subsection (c).

16           “(2) ADMINISTRATION.—Each local correctional  
17       facility that receives a grant under this section shall  
18       carry out all activities relating to the administration  
19       of the grant amount, including reviewing the manner  
20       in which the amount is expended, processing, moni-  
21       toring the progress of the program assisted, finan-  
22       cial reporting, technical assistance, grant adjust-  
23       ments, accounting, auditing, and fund disbursement.

1           “(3) RESTRICTION.—A local correctional facil-  
 2           ity may not use any amount of a grant under this  
 3           section for land acquisition or a construction project.

4           “(g) REPORTING REQUIREMENT; PERFORMANCE RE-  
 5           VIEW.—

6           “(1) REPORTING REQUIREMENT.—Not later  
 7           than March 1 of each year, each local correctional  
 8           facility that receives a grant under this section shall  
 9           submit to the Attorney General, through the State,  
 10          a description and evaluation of the jail-based sub-  
 11          stance abuse treatment program carried out by the  
 12          local correctional facility with the grant amount, in  
 13          such form and containing such information as the  
 14          Attorney General may reasonably require.

15          “(2) PERFORMANCE REVIEW.—The Attorney  
 16          General shall conduct an annual review of each jail-  
 17          based substance abuse treatment program assisted  
 18          under this section, in order to verify the compliance  
 19          of local correctional facilities with the requirements  
 20          of this section.

21          “(h) NO EFFECT ON STATE ALLOCATION.—Nothing  
 22          in this section shall be construed to affect the allocation  
 23          of amounts to States under section 1904(a).”.

24          “(c) TECHNICAL AMENDMENT.—The table of contents  
 25          for title I of the Omnibus Crime Control and Safe Streets

1 Act of 1968 (42 U.S.C. 3711 et seq.) is amended, in the  
2 matter relating to part S, by adding at the end the fol-  
3 lowing:

“1906. Jail-based substance abuse treatment.”.

